

THE COURTS.

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Important Question in Bankruptcy—The Service of Subpoenas—Alleged Violation of the Postal Law—The Ludlow Street Prisoners—Business in the Court of Oyer and Terminer—Decisions.

UNITED STATES DISTRICT COURT IN BANKRUPTCY—EQUITY
SIDE.

Question as to the Service of Subpoenas.
Yesterday, in the case of William F. Jobbins, as-
sinee in bankruptcy of Joseph P. Browner and
Wm. S. Jackson and E. Montague and others,
the United States District Court in Equity, on the application of the United States Trustee in Bankruptcy, granted a writ of habeas corpus to the United States Trustee in Bankruptcy, who had been committed to the custody of the United States Marshal, for failing to appear in court to answer the writ of habeas corpus.

January, 1870, Jackson and his copartner, Brown, were adjudged bankrupts on the petition of their creditors, and the plaintiff was appointed their assignee on February 18, 1870. He received the usual assignment, under which his title related back to the date of the filing of the petition. The assignment was recorded in the office of the Clerk of Hudson county, N. J., on the 24th of May, 1870. In June, 1869, Jackson was sued for certain real estate at Hudson, N. J. Jackson and

wife executed a mortgage to the defendant mortgagee of this real estate to secure the payment of a bond for \$10,000. It is alleged in the bill that the bond was given with the knowledge of the mortgagors to protect the property from the just claims of the creditors of Jackson, and that thereupon issued to the Sheriff of Hudson county, requiring him to sell this real estate. The property was advertised for sale on the 4th of May, but the sale was adjourned till September, 1871. The bill in this case was filed September 19, 1871; and it avers that

plaintiff was not made a party to the proceedings for foreclosure; that he had no notice of them; and that he did not know of them until the final decree for foreclosure had been made.

It is claimed that the service of the subpoena in this case on the defendant Montagne, when he was resident in New Jersey, was irregular, and that he must, therefore, be compelled by it to appear in his suit on pain of having the bill taken as confessed against him, on the ground that this service is not availed under the tenth section of the act of September 24, 1789. It is claimed by the plaintiff

The court has power under the provisions of a Bankruptcy act to bring the defendant's mortgage into Court by process served on him in New Jersey.

The Judge holds that the service of the subpoena nunc pro tunc must be set aside, and also the service of the injunction, on the ground that the \$10,000 was never due on the bond. On the 24th of November, 1899, they conveyed this real estate, their property, by deed, to Alvertson in fee simple, for a consideration of \$10,000. This deed was recorded under the name of the defendant, the husband.

33. It is alleged in the bill that the deed was made in contemplation of bankruptcy, for the purpose of delaying the creditors of Jackson, with the knowledge of Albertson. On or about the 26th of February, 1870, plaintiff filed a bill in equity asking that the deed to Albertson be set aside and to have receiver appointed for the property. An injunction was asked by this bill, and granted on 28th of February, 1870, and on the 23d September, 1870, and the plaintiff was appointed receiver in that case of his real estate in Hudson county.

The grounds of the opposition to the motion for the appointment of a receiver are stated in the affidavit of Montague of the 11th of October, 1870. On the 17th of October, 1870, Montague filed his bill of complaint in the Court of Chancery, New Jersey, against Jackson and his wife and Albertson, for the foreclosure of this mortgage. On this bill a decree was taken by default for \$10,795.26, principal and interest, on said mortgage of January 18, 1871. An execution and provisions of the Bankruptcy act, section 11 of the act of 1793, and the third article of the constitution, should be all consumed and taken

UNITED STATES COMMISSIONERS' COURT.
Charge Against a Letter Carrier.
Before Commissioner Shields.
The United States vs. Michael J. Murphy.—The
defendant, who has filed the position of a clerk as

ation F of the Post Office of this city, was brought before Commissioner Snields on complaint of James Gayler, Special Agent of the Post Office Department, who made an affidavit that Murphy, on about the 21st inst., embezzled letters entrusted him, one of which was directed to D. B. Eaton, of 12 East Twenty-ninth street, and the other to W. J. Mills, of No. 8 East Twenty-eighth street. The formation was obtained of William M. Hagerly, of 22 East Twenty-ninth street.

perintendent of station F, Michael J. Egan, a letter carrier employed at that station, and Thomas Carr, a clerk. Murphy was held in \$3,000 bail. It is stated that the defendant has hitherto borne an excellent reputation.

SUPREME COURT—SPECIAL TERM.

The Ludlow Street Jail Prisoners.
Before Judge Barnard.

In re Edward L. Hewlett.—An order was issued to

Sheriff yesterday, on writ of habeas corpus, to discharge Hewlett from Ludlow Street Jail. The latter was accompanied with a stay of proceedings for ten days, to enable the Sheriff to bring the matter before the General Term. Hewlett is one of the many inmates of Ludlow Street Jail whose discharges were ordered by Judge Barnard in the October term of the Oyer and Terminer, and whom the Sheriff refused to discharge upon his counsel advising him that the Judge had in his action exceeded

COURT OF DYER AND TERMINED.

James Cieney pleaded guilty of grand larceny, and was sentenced two years and six months to the State Prison.

Cornelius O'Donnell pleaded guilty of burglary, and received the same sentence.

John Drake and Edwin Fisher entered like pleas to similar charges, and each received a like sentence.

CHARGE OF RECEIVING STOLEN GOODS.

John J. Wolfe was tried on a charge of receiving stolen goods from Lewis Cole, a negro, and late partner in a wholesale store on Broadway.

"You stole these goods yourself and then sold them to Wollie?" asked Mr. Wm. F. Howe, the latter's counsel.

"Yes, sah," boldly answered the Ethiopian witness.

"Any pricks of conscience on account of your calling?"

"No, sir; I goes to church regularly." (Laughter.)

"What have you to say to Cole's statement against you?" Mr. Howe subsequently asked the defendant, on being called to testify in his own behalf.

"He's a first class liar." (Laughter.)
The case was given to the jury late.

SUPERIOR COURT—CHAMBERS.

Decisions.
By Judge Brady.

Stevens vs. Pringle.—Memoranda.
Hart et al. vs. Wolf et al.—Motion denied. See
Union.

Fuller vs. Fuller.—See opinion.
Georgouski vs. Balziger.—Motion denied. See
inlon.
Dovey vs. Lifschild.—Same.
Hamelgh vs. Stewart.—Motion granted. See
inlon.

Swearing in an Alderman.
By Judge Cardoso.
John Cochrane, one of the newly elected Aldermen took yesterday in this Court, his oath of

SUPERIOR COURT—SPECIAL TERM.

Decisions.
By Judge Freeman.

Struthers et al. vs. Hogan et al.—Motion denied, without costs.

Stewart et al. vs. Powers.—Motion denied, without prejudice to a new application by a proper party.

Greentree vs. Rosenstock.—Motion denied, with costs.

Howarth vs. Gonty.—Motion denied, without costs.

The Merchants National Bank of Memphis vs. Abraham H. Cardozo et al.—Memoranda for counsel.

Courtney vs. Baker et al.—Case filed.

Mayer vs. Appel.—Motion denied, with \$10 costs.

Converse et al. vs. Ehrlich.—Motion dismissed, with \$10 costs.

Steinbe vs. The Dry Dock, East Broadway and Battery Railroad Company.—Order granted.

Howell vs. Ritter.—Same.

Hennett et al. vs. Ashman.—Same.
 Salina E. Wells vs. Dodds' Express Company.—
 me.
 Chapman vs. Phoenix National Bank.—Same.
 Prentiss vs. Phoeby.—Same.
 Harrison vs. Linker.—Same.

COMMON PLEAS—SPECIAL TERM.

Decisions.
 By Judge Larremore.

In the Matter of the Petition of James Kierman—
Reason for change insufficient.
Bloomer vs. Talliman.—Reference ordered to **Dr.**
Mahon.
The Equitable Life Assurance Society of the United
States vs. Hall.—Judgment of foreclosure and sale
 affirmed. Allowance granted of two and a half per
 cent.
Rosenthal vs. Rehison.—Judgment vacated.

COURT CALENDARS—THIS DAY
SUPREME COURT—CHAMBERS—Held by Judge O'Connell.—Nos. 81, 139, 201.